

U.S. Serial No. 09/884,638
Attorney Docket No. 2801.102
Preliminary Amendment

REMARKS

The present amendment is being made to facilitate prosecution of the application. Claims 30-35 are pending with Claims 30 and 35 being independent.

In the Office Action, previous Claims 21 and 23 were objected to due to minor informalities. Previous Claims 21 and 23-25 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,907,934 (Austin) in view of U.S. Patent No. 6,119,423 (Costantino). Previous Claim 22 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Austin in view of Costantino as applied to Claim 21 and further in view of U.S. Patent No. 5,755,068 (Ormiston).

New independent Claim 30 recites, *inter alia*, floor tile assembly with a plurality of tiles, each of having an elongated base of substantially solid rectangular cross-section of substantially equal thickness and having a longitudinal axis, first and second rows of open-sided, substantially resilient, interlock structures molded on the base extending parallel to and inwardly of respective ones of said first and second edges, the interlock structures of said first row facing in opposite upward or downward respective directions from those of said second row and being comprised of a male projection and a contiguous female cavity partially formed by a sidewall portion of said male projection and shaped substantially as an inverted image of said male projection, the open side of the interlock structure adjacent the first side edge facing the bottom surface disposed to engage a mating inverted interlock structure of another adjacent tile from the top of the base, and a plurality of transverse stepped end surfaces, longitudinally spaced from one-another, formed on opposite ends of said base, whereby the base edges are staggered in the longitudinal direction.

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As understood by Applicant, Austin relates to an interfacing floor tile in the form a right triangle with two adjacent sides of equal length and an elongated third side opposite the right triangle. Each side is formed with a row of female cavities located adjacent the sides and positioned to mate with a corresponding male connecting member of neighboring tiles. Additionally, each of the adjacent sides is integrally formed with an edge that slopes downward to a male interlocking strip, which extends outwardly in order to mate with female cavities of neighboring tiles. Alternatively, each of the adjacent sides may be formed with vertical edges, which rise from the interlocking strip to the surface of the tile. In another embodiment the female cavities are omitted from the elongated side, which has a vertical edge and the adjacent sides may have either sloping or vertical edges.

As understood by Applicant, Costantino relates to an interlocking prefabricated hardwood floor panel system in which multiple hardwood strips are secured together and attached to a substrate. The hardwood strips end at different locations such that a straight seam is not formed between adjacent floor panels. The substrate covers at least a portion of the floor panel and may extend past the edge of the hardwood strips such that hardwood strips from an adjacent floor panel can be secured to the substrate. Hardwood strips vary in color to allow designs to be inserted into a floor by using different woods or different stains. The substrate is secured to a target surface, which may be the surface of the floor, a ceiling, or wall. The substrate can be attached to the target surface via any appropriate method, such as adhesive, nails or screws. A variety of flooring patterns can be used.

Applicant submits that Austin and Costantino, taken alone, or in combination fail to teach or suggest first and second rows of open-sided, substantially resilient, interlock structures molded on the base extending parallel to and inwardly of respective ones of said first and second edges, the interlock structures of said first row facing in opposite upward or downward respectiv

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directions from those of said second row and being comprised of a male projection and a contiguous female cavity partially formed by a sidewall portion of said male projection and shaped substantially as an inverted image of said male projection, the open side of the interlock structure adjacent the first side edge facing the bottom surface disposed to engage a mating inverted interlock structure of another adjacent tile from the top of the base, and a plurality of transverse stepped end surfaces, as recited in Claim 30. Accordingly, Applicant submits that Claim 30 is allowable.

Claim 35 recites, *inter alia*, a method for making a composite decorative floor tile that includes providing an injection molding apparatus with separate mold halves for molding the substrate component from the polymeric substrate material, inserting the lamina component into the open mold halves prior to injection molding of the substrate component, and opening the mold halves to remove the molded substrate component with the lamina component adhered thereto.

Applicant submits that Austin and Costantino, taken alone, or in combination fail to teach or suggest molding the substrate component from the polymeric substrate material and inserting the lamina component into the open mold halves prior to injection molding of the substrate component, as recited in Claim 35. Accordingly, Applicant submits that Claim 35 is allowable.

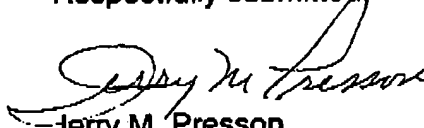
The other claims in this application are each dependent from independent Claim 30 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the Individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests entry of the amendment and early passage to issue of the present application.

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Applicant's attorney may be reached at (203) 378-8354. All
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Respectfully submitted



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